

BEFORE THE DEPARTMENT OF TRANSPORTATION
OFFICE OF AVIATION ENFORCEMENT AND PROCEEDINGS
WASHINGTON, D.C.

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| ----- |) | |
| |) | |
| Benjamin Edelman, |) | |
| third-party complainant |) | |
| |) | |
| v. |) | Docket DOT-OST-2021-0067 |
| |) | |
| Delta Air Lines |) | |
| |) | |
| ----- |) | |

MOTION FOR LEAVE TO REPLY

1. I file this motion in accordance with Rule 408(c) to request that the Department grant leave to file the accompanying Reply. Further briefing is in the public interest to clarify the issues in dispute. Based on Delta's Answer, the issues in dispute include (1) whether Delta's Contract of Carriage purports to prohibit the refund Delta admits it was required to provide me, (2) which other passengers are similarly situated, and (3) whether it is in the public interest for the Department to require that Delta amend its Contract of Carriage to alert customers to the availability of refunds. Further briefing, via my Reply and a possible Delta Surreply, will clarify the parties' positions and the legal questions, aiding Department evaluation of this matter.

2. I do not object to a Surreply, made in the same manner prescribed for answers by Rule 408.